

## **REMARKS**

The present Amendment is in response to the Examiner's Office Action mailed November 2, 2005. Claims 1-2, 14-17 and 34 are amended herein. Claims 1-39 remain pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **I. CLAIM OBJECTIONS**

The Examiner objects to claim 14-16 due to improper dependency. In light of the amendments to claims 14-16 herein, Applicants respectfully submit the Examiner's objections have been overcome and should be withdrawn.

### **II. PRIOR ART REJECTIONS**

#### **A. Rejection Under 35 U.S.C. §102(b)**

The Examiner rejects claims 1-6 and 34-39 under 35 U.S.C. § 102(b) as being anticipated by *Jones* (United States Patent No. 3,555,487). Because *Jones* does not teach or suggest each and every element of the rejected claims, Applicants respectfully traverse this rejection in view of the following remarks.

*Jones* teaches a "vacuum, or gas filled, tube 25" and a "high voltage connector 36." Column 2, lines 20 and 29. As shown in figures 1 and 2 of *Jones*, no portion of the vacuum tube

25 is received within the connector 36. Instead, as shown in figures 1 and 2 of *Jones*, “a hollow cylindrical tubulation, or tube, 26” is received within the connector 36. Column 2, lines 18-19. The hollow cylindrical tube 26 that is received within the connector 36 has an open “flared mouth 30” at one end and is, therefore, *not an evacuated enclosure*.

In direct contrast, the rejected claim 1, as amended, specifically recites a “connector ... that is pre-formed to define a main cavity, the main cavity formed to receive a corresponding surface of an evacuated enclosure.” Likewise, the rejected claim 34 specifically recites a “connector including a cavity that receives a corresponding portion of an evacuated enclosure of the x-ray tube.”

Since *Jones* does not teach a connector that receives *an evacuated enclosure* as claimed in claim 1, as amended, and claim 34, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of independent claims 1 and 34, and dependent claims 5-6 and 35-39, be withdrawn.

#### **B. Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 7-33 under 35 U.S.C. § 103 as being unpatentable over *Jones* in view of *Hansen et al.* (U.S. Patent No. 6,556,654). Applicants traverse the Examiner’s rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

By contrast to the presently claimed invention, neither *Jones* nor *Hansen* teach or suggest a connector with “cavity that is sized to receive a specified portion of [an] evacuated enclosure” as recited in rejected claims 7 and 18, or a connector with a “main cavity being sized to receive a corresponding portion of the surface of [an] evacuated enclosure” as recited in rejected claim 28. Rather, as discussed above, although *Jones* teaches a connector 36 and a vacuum tube 25 (*See* Column 2, lines 20 and 29), *Jones* does not teach or suggest that a cavity of the connector 36 receives a portion of the vacuum tube 25 as is claimed. Instead, a cavity of the connector 36 of *Jones* receives a hollow cylindrical tube 26 that is attached to the vacuum tube 25. *See* figures 1 and 2. Likewise, the Examiner has made no attempt to show that *Hansen* teaches a connector with a cavity that receives a portion of *an evacuated enclosure* as claimed in claims 7, 18, and 28.

In view of *Jones's* failure to teach a connector that receives a portion of *an evacuated enclosure*, Applicants submit that the Examiner has failed to set forth a *prima facie* case for obviousness and respectfully request that the rejection of independent claims 7, 18, and 28, and dependent claims 8-17, 19-27 and 29-33, be withdrawn.

### **III. CLAIM AMENDMENTS NOT RELATED TO PATENTABILITY**

Applicants note that the amendments herein to claims 17 and 34 have not been made in response to any rejection or objection posed by the Examiner, but rather simply to refine the language of those claims. In this regard, it should be noted that Applicants have broad discretion to choose and modify the language of a claim and, moreover, various patentable expressions of comparable claim scope lie within the bounds of such discretion. Because the amendments to claims 17 and 34 fall within the bounds of that discretion, such amendments are not related to patentability of those claims.

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 2<sup>nd</sup> day of May, 2006.

Respectfully submitted,



ERIC L. MASCHOFF  
Registration No. 36,596  
Attorney for Applicant  
Customer No. 022913  
Telephone: (801) 533-9800